

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JULY 1, 2104**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Jon Honea and Commissioner Phil Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

213 River Road

Staff Recommendation: Continue to a date Uncertain

Public Hearing on a Request for Determination of Applicability filed by Gerry Levesque under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of existing septic system at **213 River Road**.

Agent Cleary presented this to the Commission. The Applicant has requested a continuance to a date uncertain due to site issues. Flagging needs to be revised at staff's request, possible alteration to a BVW and/or stream, Riverfront, associated Bordering Land Subject to Flooding and possible encroachment onto abutters property.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to continue to d a date uncertain; it was seconded by Commissioner Driscoll and unanimously approved.

7 Appletree Lane

Present in Interest: John and Claire Chiesa

Staff Recommendation: Approve waivers and Approve as Pos. 2a confirming flags wfa-1 to wfa11 inclusive and wfb-1 to wfb10 inclusive and Neg.3

Public Meeting on a Request for Determination of Applicability filed by John and Claire Chiesa under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed addition with a full basement and mudroom at **7 Appletree Lane**.

Agent Cleary presented this to the Commission. The filing is under the WPA only. Staff is in receipt of a revised plan adding construction of a deck. Only 2 waivers are now required for work within 50 foot no-build and placement of erosion control. Staff agrees with the flagging on site and non-disturb markers are conditioned in the decision. Markers are to be placed at the edge of lawn as a variable buffer strip.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to approve the Waivers; it was seconded by Commissioner Driscoll and unanimously approved.

Commissioner Porter made a Motion to Approve as Pos.2a and Neg.3; it was seconded by Commissioner Honea and unanimously approved.

97 North Street

Staff Recommendation: Continue to August 19, 2014.

Public Hearing on a Request for Determination of Applicability filed by Stephen Hinckley-Hinckley Brothers, Inc. under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed tree cutting and grading for the construction of a single family dwelling located outside the 100 foot buffer zone, except for portions of the deck at **97 North Street.**

Agent Cleary presented this to the Commission. Applicant's consultant has requested a continuance to August 19, 2014. Jeff Bridge has been hired on behalf of the Commission to review the work and the resource areas.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to continue to August 19, 2014 for peer review; it was seconded by Commissioner Honea and unanimously approved.

6 Gray Road

Present in Interest: Mary Sayess

Staff Recommendation: Approve waivers and Approve as Neg.3.

Public Hearing on a Request for Determination of Applicability filed by Mary Sayess under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a screened porch at **6 Gray Road.**

Agent Cleary presented the project to the Commission. The filing is under the WPA only. Proposed work is hand dug sona tube construction greater than 25 feet from the wetland with no tree cutting. A waiver for engineered plans is requested.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to Approve the Waivers; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Porter made a Motion to Approve as Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

11 Whittemore Terrace

Present in Interest: John Mason; Charissa Rigano; Alan French and Steve Fink

Staff Recommendation: Approve.

Public Meeting on a Request for Determination of Applicability filed by Merrimack River Watershed Council under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed bird sanctuary access and enhancement project at **11 Whittemore Terrace**.

Mr. Douglas presented this to the Commission. This project is similar to the Scout Projects which come before us. The project consists of some trail work and small bridges. Charissa Rigano showed a power point presentation highlighting the areas to be opened up by the bridges and trail work. State money was awarded in 2013 for this project. The work will be done by volunteers and should be completed within 18 months.

Steve Fink expressed his support for this project.

Commissioner Porter asked if any of the bridges could be used during flood waters. They will work to find a solution to this.

Commissioner Driscoll inquired as to the access point. There is access from Whittemore Terrace; however the best access is off of Filter Bed Road. A parking area will be discussed with the land group in the future.

Vice Chairman Walsh asked for a Motion. Commissioner Honea made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

Merrimack College

Present In Interest: Jeff Daggett, Chris Lovett, Bert Ouellette, Craig Gibson, John and Ceryl Barry, Jim Chimwell, Kristin Spinella, Ken and Joan Vecnaian, Alex Vispoli, Jennifer Ross, Jon Aronson, Bob Spinella and M. Marquis

Staff Recommendation: Approve.

Vice Chairman Michael Walsh recused himself and left the room.

Public Hearing on a Request for an Amended Order of Conditions by Merrimack College under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed relocation of the 48 inch drain line that discharges into Elm Street detention pond at **Merrimack College**.

Mr. Douglas presented this to the Commission. The proposed work is simply the relocation of a drain pipe into Flaherty Drive. Mr. Douglas advised the audience that the Commission would not be discussing the proposed dorm project because that was not the filing before the Commission.

Chris Lovett presented the proposed change to the Commission. The original pipe was installed in 2002 as part of the Master Plan. This pipe collects water from the northern part of campus and drains to the detention basin. The system will maintain the same capacity and be moved to Flaherty Drive which is outside the 100 foot buffer. There will be no new connections and no increase in water through the pipe. The water table is 10-12 feet down.

Alex Vispoli, a neighbor, inquired about the possible increase in capacity of the pipe. He also stated this is a sensitive area and the previous expanded parking area resulted in the need for the detention basin. He also asked that the Commission take into consideration the linkage between this project and the dorm project.

John Barry, an abutter, asked why the pipe was being moved. This sewer improvement is part of an agreement with the Town from a previous Order of Conditions.

John Erickson, a neighbor, asked if the pipe size would remain the same.

Jennifer Ross, a neighbor, asked how this pipe would impact the water. The system is closed with no water coming in or out and there is no change in grading.

Scott Robb, a neighbor, asked if there were any inlets or outlets to the pipe. It is a closed system.

Mr. Douglas reiterated to the Commission and audience that procedurally, the Commission cannot make the Applicant file a new Notice of Intent as this is a stand along project.

Commissioner Sutherland asked for a Motion. Commissioner Honea made a Motion to Close the Public Hearing and Approve the Amendment to the Order of Conditions; it was seconded by Commissioner Porter and unanimously approved.

18 Red Spring Road

Present in Interest: Bill McLeod, Ellen Keller, Janet Bernardo, John Hess and Alan French

Staff Recommendation: Close Public Hearing.

Continued Public Hearing on a Notice of Intent filed by Dundee Red Spring, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed renovation of an existing historic mill building site for a proposed commercial mixed use facility consisting of office, retail and restaurant space at **18 Red Spring Road.**

Mr. Douglas presented this to the Commission. The peer reviewer, Janet Bernardo, is present to provide her report.

Janet Bernardo presented her report to the Commission. The project is reducing the impervious area within the 100 year flood plain and increasing flood storage capacity. There is a berm in the road to keep the water on Red Spring Road and off of the property. There is an existing 12" pipe on site that runs into the River. The proposed recharge system is an improvement to the existing conditions. The bank of the River is a wall with shrubbery growing in and around it, if this is to be removed, it should be conditioned. The Applicant will be removing debris and invasives around the property. Snow storage should be on the sides of the parking area and not along the Riverbank or it needs to be hauled off site.

Commissioner Porter requested signage be placed indicating snow storage. Bill McLeod agreed to provide a Snow Storage Plan.

Commissioner Driscoll asked that no pesticides/herbicides be used on the lawn area.

Commissioner Honea asked how many trees were to remain. The trees in the open area are to remain.

Alan French spoke about the reformation of the Shawsheen River Greenway. Ellen Keller indicated that the area would remain as green space and they are open to discussions regarding opening the area to residents. It is a work in progress.

The Commission asked that the Applicant provide a vegetative management plan; snow storage plan and clean up the invasives.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to close the public hearing; it was seconded by Commissioner Sutherland and unanimously approved.

25 New England Business Center Drive

Present in Interest: Alex Macleod, Mark McLusky and Alan Clapp

Staff Recommendation: Continue to a date uncertain.

Public Hearing on a Notice of Intent filed by Alan Clapp, Nexamp, Inc. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed installation of a solar electricity generation facility at **25 New England Business Center Drive.**

Mr. Douglas presented this to the Commission. The application is incomplete at this time. DEP is owed additional funds.

Alan Clapp presented the project to the Commission. The area is a large parking lot that used to have a building on it along the Merrimack River. There is a perennial stream with riverine characteristics and both throw a 200 foot river front buffer. The parking islands will be removed and then the solar panels installed. 4 inches of crushed stone will be placed beneath the solar array, but on top of the asphalt. This project is considered redevelopment and approximately 9,883 square feet will be redeveloped within the riverfront.

Commissioner Driscoll asked for access to the Merrimack River is included in the Order of Conditions.

Andy Menezes informed the Commission that a bridge was recently rebuilt using access through the parking area. He requested some access be available for repairs, etc.

Commissioner Porter disagreed that this is a redevelopment project, as redevelopment is based on improvement and placing gravel on top of asphalt is not an improvement. This has been a degraded site since prior to 1996 and he would like improvements done on site.

The applicant to provide mitigation, how redevelopment is being met and access to the Riverfront area.

Vice Chairman Walsh asked for a Motion. Commissioner Sutherland made a Motion to continue to August 5, 2014; it was seconded by Commissioner Honea and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from June 17, 2014.

8 Chongris Circle

Issuance of Certificate of Compliance.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Sutherland and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

AVIS/Ironstone Farm

Tabled to July 15, 2014.

Argilla Road-Cutler Road Community Path

Present in Interest: Alan French and John Hess

Alan French asked the Commission to grant authority to Bob Douglas to proceed with community trails, clearing and marking of trails, etc. This would allow the land group to work more efficiently. They are working to recreate the cart path on Argilla Road.

Commissioner Driscoll made a Motion to grant Bob Douglas authority; it was seconded by Commissioner Honea and unanimously approved.

Reichhold Parcel I

Discussion of stockpiling of fill and material within the inner riparian. Bob Douglas to follow up.

The next meeting will be held July 15, 2014 at 7:45pm.

The meeting was adjourned at 10:05 pm by Motion of Commissioner Sutherland and seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**